

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

WRIT PETITION NO. 403 OF 2006 .

M/s Sonal Builders. .. Petitioner.
V/s.
Nisarg Co-op. H.Society .. Respondents..

Mr. N.B. Walawalkar i/b Laxmi Murali for the
petitioner.

Ms. Aplana Ghone i/b I.R. Joshi for respondent
No.1.

Mr.P.G. Sawant, AGP for respondent Nos. 2 & 3.

CORAM : V.C.DAGA, J.

DATED : 28.2..2006.

P.C. :

. Parties to the petition, during the course
of hearing, have arrived at the consensus recorded
in the affidavit dated 27.2.2006; which the learned
Counsel appearing for the petitioner has accepted by
making an endorsement thereon. The same is taken on
record and marked X for identification.

2. The impugned order is thus set aside in view
of the acceptance of the above proposal given by
respondent No.1 and the proceedings are remitted
back to the Divisional Joint Registrar, Co-operative
Societies, Mumbai, with direction to hear the
revision on merits subject to compliance of the
terms incorporated in the above affidavit dated
27.2.2006. In the event of non-compliance of the

terms of the above affidavit; petition shall be deemed to have been dismissed with costs. In the event of compliance, the revisional authority shall dispose of the revision as expeditiously as possible at any rate within four months from the date of receipt of copy of this order. All rival contentions are kept open.

3. It would be open for the petitioner to move an application before the Appellate Authority for interim relief and the appellate authority shall consider the same within 15 days from the date of receipt of application. In the meanwhile, Society undertakes not to execute recovery certificate.

(V.C.DAGA,J.)